REMARKS

An Office Action was mailed in the case on August 3, 2010, making a response due on or before November 3, 2010. Since this Response is being timely submitted, no additional fee is thought to be due at this time. If any additional fee is due for the continued prosecution of this application, please charge the same to Applicant's Deposit Account No. 50-2555 (Whitaker, Chalk, Swindle & Sawyer, LLP).

Composition Claims 1-6 were pending in the case. Method Claim 7 had been withdrawn from prosecution pursuant to a Restriction Requirement. The previous rejection over the reference to Huege (US 5616283) was withdrawn by the Examiner. However, in the present Office Action, the Examiner has cited the new reference to Langelin (DE 4302539) in rejecting the remaining claims under 35 U.S.C. §102(b). Claims 2 and 6 were also rejected by the Examiner under 35 U.S.C. § 103(a) as being "obvious" over the same reference to Langelin. The Examiner also had an objection to the language of Claims 2 and 4 as being "indefinite" in using a broad numerical range together with a narrow range or limitation. As will be discussed in detail below, Applicant has canceled the pending Claims 1-6 and has substituted new Claims 8-21 in view of the Examiner's remarks concerning the Langelin reference, and in view of the comments concerning the "indefinite" nature of Claims 2 and 4. Consideration of remaining Claims 8-21 is respectfully requested in view of the remarks which follow.

First of all, the Applicant does not agree with Examiner's opinion relative to the absence of novelty and to the obviousness of the present invention with respect to DE 4302539 (Langelin) and has submitted new Claims 8 and 16 in order to better define the invention in view of the Examiner's remarks.

The new main Claim 8 describes a calco-magnesian aqueous suspension wherein the solid matter content is greater than or equal 32 % by weight, the BET specific surface area of the particles of solid matter being less than or equal to 10 m^2/g and their d_{98} granulometric dimension being less than

20 microns. As such, the newly submitted Claim 8 can be seen to be a combination of the previously pending Claims 1 and 6.

The new main Claim 16 describes a calco-magnesian aqueous suspension wherein the solid matter content is greater than or equal to 32 % by weight, the BET specific surface area of the particles of solid matter being less than or equal to 8 m^2/g. As such, the newly submitted Claim 16 can be seen to be a combination of the previously pending Claims 1 and 2.

The cited prior art document (DE 4302539) relates to a lime and/or magnesium hydroxide slurry which contains an anion or a polyanion of an inorganic acid and a polyanion selected among the acrylic polymers and copolymers, in order to guarantee in the slurry a viscosity of less than 1500 cP from a suspension having a solid matter content higher than 60 % by weight. As explained in the description this objective is obtained while increasing the size of the particles (See for example Page 1 of the translation : "*In accordance with another feature of the slurries according to the invention they contain a substantial portion of thick particles such as particles with a grain size above 100 µ. (...) At least 20 %, preferably at least 30 % of the calcium hydroxide particles have a grain size or diameter above 100 µ. In accordance with a particular feature of such lime slurry more than 80 % of the calcium hydroxide exhibit a grain size above 20 µ.*" (note that Applicant has submitted an amended version of the computer-translated text, in order to provide a more precise and literal translation of the German).

A specific surface area appears in this document on Page 1, paragraph 5, of the description and on Page 3, third paragraph before the end of the description.

From the first passage, it can be clearly seen that increasing the grain size of lime particles for reducing their specific surface area is known. Clearly, and as explained in the previously filed declaration of Mr. Pirard (Applicant's Amendment of September 4, 2009), this specific surface area is a Blaine specific surface area, i.e. an external one, and not a BET specific surface area.

The second passage concerns granulates according to the invention having a grain size higher than 200 µm, which are used for manufacturing filter beds. Such great particles have a small specific surface area of 9 m^2/g which a skilled person will understand as a BET specific surface area. Such value results only from a measurement, but is not considered as critical.

From the above analysis, Applicant would submit that the new Claim 8 is novel with respect to DE 4302539. Effectively in the above mentioned passage, the particles have a BET specific surface area of 9 m^2/g, but a granulometry higher than 200 µ. The new Claim 16 describes a suspension with particles having a BET specific surface area less than or equal to 8 m^2/g and consequently is also novel.

Concerning the obviousness of the previously pending Claim 6 (now included in new Claim 8), Applicant must refute the objection of the Examiner. In Europe, it is not possible to separate the values of two parameters indicated in the same Example. Clearly and unambiguously the particles having a BET specific surface area of 9 m^2/g in DE 4302539 are particles having a grain size greater than 200 µm. No indication is given about the BET specific surface areas of the other embodiments according to the invention. There is no reason why one skilled in the relevant art, having read the referenced prior art document which teaches that particles having a very great size have a low BET specific surface area, would be prompted to reduce the particle size, while it is well indicated in other parts of the description that reducing the particle size increases the viscosity of the slurry. The aim of DE 4302539 is on the contrary to increase the size of the particles in order to reduce the viscosity.

Concerning the obviousness of the previously pending Claim 2 (included in new Claim 16 as a combination of previous Claims 1 and 2), Applicant must again respectfully refute the objection of the Examiner. The passage to which the Examiner refers (Page 1 of the description, paragraph 4 of the computer-translation) concerns, as above explained, the Blaine specific surface area, which has absolutely no relation with the BET specific surface area (see the previously referenced declaration of Mr. Pirard, an expert in the area). One skilled in the art would not conclude from reading the plain

text of DE 4302539 that a lower BET surface specific area is desired in order to decrease the viscosity of the slurry. The only passage disclosing a low BET surface specific area concerns particles of very great grain size. However the aim of the present invention is to reduce the grain size and not to use solid matter particles having great size.

It should be clear from the foregoing argument that one skilled in the relevant art, having read the referenced document DE 4302539, would certainly not be prompted to prepare an aqueous calco-magnesian suspension according to the claimed invention.

Based upon the above arguments and amendments, Claims 8-21 are now thought to be allowable over the art of record and an early notification of the same would be appreciated.

Respectfully submitted,

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